

Message Text

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PAGE 01 BONN 13388 01 OF 05 161857Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----056088 161900Z /42

O R 161841Z AUG 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 0698
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO

C O N F I D E N T I A L SECTION 01 OF 05 BONN 13388

EXDIS

E.O. 11652: GDS
TAGS: PGOV BQG
SUBJECT: LORENZ CASE: WHAT ARE THE FRENCH REALLY
ASKING?

REFS: (A) STATE 192533; (B) PARIS 23592;
(C) PARIS 23285; (D) BONN 13241;
(E) BONN 12843

BEGIN SUMMARY. IT IS POSSIBLE THAT THE GERMANS WILL AGREE
THAT THE CHIEF OF THE FEDERAL PROSECUTOR'S OFFICE IN
BERLIN CAN BE MADE THE NOMINAL HEAD OF THE PROSECUTION
TEAM, AND WE AGREE THAT NOT MUCH COULD BE GAINED BY
ANSWERING THE BILATERAL FRENCH DEMARCHES BEFORE WE KNOW
THE FRG POSITION ON THIS ISSUE. OUR SECOND READING OF DE
LABOULAYE'S REMARKS TO AMBASSADOR HARTMAN, HOWEVER,
LEAVES US CONCERNED THAT THIS STEP IN ITSELF WOULD NOT BE
ENOUGH TO SATISFY THE FRENCH. A REQUIREMENT THAT THE
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GERMANS ALSO ASSURE US THAT THERE WILL BE "NO MORE PIN-
PRICKS" ON BERLIN COULD LEAD TO A MAJOR CONFRONTATION IN
THE BONN GROUP.

IN ADDITION, DE LABOULAYE'S REPLAY OF THE RECURRENT FRENCH
THEME THAT THE SOVIETS HAVE A "FAIR LEGAL CASE" COULD
IMPLY THAT THE FRENCH HAVE CONCLUDED THAT THE QA REQUIRED

CERTAIN CHANGES CONCERNING THE COURTS IN BERLIN AND THAT THOSE CHANGES SHOULD BE MADE IN CONNECTION WITH THE LORENZ TRIAL. IT IS UNCLEAR WHETHER THIS IS REALLY WHAT THE FRENCH HAVE IN MIND, BUT THERE IS AN "OR ELSE" QUALITY TO THE FRENCH POSITION WHICH IS TROUBLESOME. MEANWHILE, BASIC DECISIONS CONCERNING THE LORENZ CASE ARE IN LIMBO AND THE FRENCH HAVE PLACED A HOLD ON DRAFTING A RESPONSE TO THE MOST RECENT SOVIET PROTEST UNTIL THOSE DECISIONS ARE MADE. WHILE THE DISAGREEMENT IS BASICALLY ONE WHICH THE FRENCH AND THE GERMANS WILL HAVE TO SORT OUT BETWEEN THEMSELVES, WE ALSO HAVE SOME INTERESTS AT STAKE. SHOULD THE FRENCH CONTINUE TO TRY BILATERALLY TO LINE US UP ON THEIR SIDE, THEREFORE, WE BELIEVE IT WOULD BE WORTHWHILE TO PROBE MORE DEEPLY AS TO JUST WHAT IT IS THEY ARE GETTING AT. END SUMMARY.

1. OUR CONCERN AS TO WHERE WE ARE HEADING IN ALLIED/FRG RELATIONS OVER BERLIN IS HEIGHTENED AS WE PONDER THE IMPORT OF DE LABOULAYE'S REMARKS TO AMBASSADOR HARTMAN ON AUGUST 10 AND 13 (REFS B AND C). THEY SUGGEST THAT THE FRENCH, WHETHER DELIBERATELY OR NOT, MAY BE ON THE VERGE OF PRECIPITATING A MAJOR CONFRONTATION WITH THE GERMANS OVER THE FEDERAL PRESENCE IN BERLIN.

2. WE CANNOT JUDGE WHETHER THIS IS BECAUSE THE FRENCH ARE CONVINCED THAT SERIOUS TROUBLES WITH THE SOVIETS
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ARE IMMINENT IF THE ALLIES DO NOT ACT FIRMLY ON THE LORENZ CASE, OR WHETHER THEY SIMPLY BELIEVE THAT SEVERAL RECENT FRG ACTIONS DEMONSTRATE (AS THE SOVIETS FREQUENTLY CLAIM) THAT IF YOU GIVE THE GERMANS AN INCH ON BERLIN THEY WILL TAKE A MILE. THERE IS AN "OR ELSE" QUALITY TO THE FRENCH POSITION WHICH TROUBLES US, IN PART BECAUSE WE ARE NOT CERTAIN THAT THE FRENCH THEMSELVES KNOW THE BASIS FOR THEIR DEMANDS OR WHERE THEY ARE HEADING. AND AS THE DEPARTMENT HAS INDICATED (REF A), IT IS LESS THAN CLEAR JUST WHAT THEIR DEMANDS ARE.

3. WHEN DE LABOULAYE LISTS THREE CONDITIONS AS REPRESENTING THE "MAXIMUM SOLUTION HE COULD SELL IN PARIS," THERE IS AN IMPLICATION THAT, IF THESE CONDITIONS WERE NOT ACCEPTED BY THE FRG, THE FRENCH WOULD ACT UNILATERALLY TO "VETO" THE HOLDING OF THE TRIAL IN BERLIN. THEY HAVE THREATENED SUCH ACTION AT VARIOUS TIMES OVER THEPAST YEAR, YET THEY MUST REALIZE THAT THE FEDERAL PROSECUTOR'S OFFICE IS PROCEEDING IN ACCORDANCE

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AMEMBASSY PARIS
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WITH LEGISLATION WHICH HAS BEEN TAKEN OVER IN BERLIN, AND THAT A TRIPARTITELY-AGREED ALLIED ORDER WOULD BE REQUIRED TO STOP THE UNFOLDING OF THE PRESENT PROCESS. IT IS POSSIBLE THAT THEIR PRESENT ATTITUDE IS THAT THE AGREEMENT OF ALL THREE ALLIES NOT TO BAN THE TRIAL IN BERLIN WAS CONDITIONAL ON FULFILLMENT OF THE CONDITIONS IN THE ALLIED NON-PAPER AND THAT, AS THOSE CONDITIONS HAVE NOT BEEN FULLY MET, THE ALLIES ARE OBLIGATED TO GO ALONG WITH THEM NOW IN PROHIBITING THE TRIAL. THEY HAVE NOT SAID SO IN SO MANY WORDS, HOWEVER.

4. RATHER, THEIR DEMARCHES IN WASHINGTON WERE AIMED AT HAVING US JOIN IN REFUSING TO PERMIT THE AUGMENTATION OF THE BERLIN STAFF OF THE FEDERAL PROSECUTOR, OR AT LEAST IN ENSURING THAT THE PROSECUTION WOULD NOT BE CONDUCTED "PRIMARILY" BY ATTORNEYS SENT FROM KARLSRUHE. IN HIS OWN REFINEMENT OF THE FRENCH POSITION, DE LABOULAYE SUGGESTED THAT THE GOF MIGHT RELENT ON THE ASSIGNMENT OF ATTORNEYS FROM KARLSRUHE IF OBERLE WERE
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DESIGNATED HEAD OF THE PROSECUTING TEAM. IT IS CONCEIVABLE, THOUGH BY NO MEANS CERTAIN, THAT THE GERMANS WILL ACCEPT THAT CONDITION. BUT IF WE UNDERSTAND CORRECTLY WHAT DE LABOULAYE WAS SAYING (REF C), THAT IN ITSELF WOULD NOT BE ENOUGH TO SATISFY THE FRENCH; THERE WERE HIS TWO OTHER CONDITIONS.

5. THE FIRST OF THESE CONDITIONS, AN ALLIED STATEMENT, IS AN IDEA WHICH WE ALSO FIND ATTRACTIVE. BUT THE OTHER COULD STIR UP A REAL HORNETS' NEST IF PRESENTED TO THE GERMANS: THAT THEY GIVE ASSURANCES THAT THEY WOULD "STOP THE VARIOUS RECENT 'PIN-PRICKS' ON BERLIN -- SUCH AS THE BAUM STATEMENT, THE MAIHOFFER TRIP AND SIMILAR PROJECTED MINISTERIAL TRIPS." UNLESS THE IMPLICATION THAT THEY HAVE RECENTLY EMBARKED ON A DELIBERATELY PROVOCATIVE BERLIN POLICY WERE SPECIFICALLY NEGATED, THE GERMANS WOULD CONSIDER SUCH A DEMAND INSULTING. WE ALSO WONDER WHETHER DE LABOULAYE HONESTLY EXPECTS THAT HE COULD OBTAIN SUCH ASSURANCES. CERTAINLY NOT IN THE BONN GROUP. THEY ARE CABINET-LEVEL STUFF, AND BEFORE SUCH A PROPOSAL WERE EVER PUT TO MINISTERS THERE WOULD BE LONG AND ACRIMONIOUS WRANGLING OVER HOW "PIN-PRICKS" ARE TO BE DEFINED.

6. TO DEMAND THAT THE FRG ENSURE THAT THERE BE NO MORE STATEMENTS OF THE SORT MADE BY HARTKOPF AND BAUM, FOR EXAMPLE, WOULD BE POLITICALLY UNACCEPTABLE TO THE GOVERNMENT SINCE IT WOULD OPEN IT TO SEVERE CRITICISM BY THE OPPOSITION. IN ADDITION, SUCH AN UNDERTAKING COULD WELL BE A VIOLATION OF THE FRG CONSTITUTIONAL COURT DECISION OF JULY 31, 1973, WHICH PROVIDES INTER ALIA THAT THE BASIC LAW "... CONTINUES TO REQUIRE ALL CONSTITUTIONAL FEDERAL AND STATE ORGANS TO UPHOLD..."
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THE FRG'S LEGAL POSITION ON BERLIN AS A LAND OF THE FRG "... WITHOUT RESERVATION." SUCH A DEMAND, IF MADE IN THE BONN GROUP WOULD LEAD ONLY TO PROLONGED DEBATE WHICH WOULD FURTHER DELAY THE NECESSARY DECISIONS ON THE LORENZ ISSUES. IN OUR VIEW, IT WOULD BE PREFERABLE, IF CORRECTIVE ACTION IS NEEDED, FOR THE ALLIES TO ISSUE A STATEMENT REITERATING THEIR OWN LEGAL POSITION. WE WONDER, HOWEVER, WHETHER THE FULL TEXT OF WHAT BAUM SAID (BONN 12731) HAS ACTUALLY BEEN READ IN PARIS.

7. AS FOR THE RECENT VISIT TO BERLIN BY INTERIOR MINISTER MAIHOFFER, WE AGREE THAT HIS ROLE IN THE INDUCTION OF THE NEW SOLICITOR GENERAL OF THE FEDERAL

ADMINISTRATIVE COURT WAS INDISCREET AT BEST AND POSSIBLY ILLEGAL. TO INSIST THAT FRG MINISTERS NOT PERFORM SUCH ACTS IN BERLIN IS ONE THING AND CAN BE FAIRLY DEFENDED; WE ARE PURSUING THIS IN THE BONN GROUP. BUT, AGAIN, TO DEMAND NO "SIMILAR" TRIPS AS A PRECONDITION FOR LETTING THE LORENZ TRIAL PROCEED WOULD BE A DRACONIAN STEP. ONLY THE CHANCELLOR COULD ISSUE SUCH AN ORDER, AND HE WOULD WISH TO KNOW WHAT WAS MEANT BY "SIMILAR TRIPS." ARE THE FRENCH THINKING THAT ALL FEDERAL MINISTERS SHOULD HENCEFORTH BE KEPT OUT OF BERLIN? THE MINISTER OF AGRICULTURE REGULARLY GOES THERE FORMALLY TO OPEN "GREEN WEEK." THE INTERIOR MINISTER MEETS THERE WITH THE CONFERENCE OF LAENDER INTERIOR MINISTERS WHEN IT IS BERLIN'S TURN TO PLAY HOST. THE FOREIGN MINISTER ACCOMPANIES FOREIGN DIGNITARIES WHEN THEY GO TO BERLIN IN CONNECTION WITH VISITS TO THE FRG. ALL SUCH TRIPS ARE OBJECTIONABLE TO THE SOVIETS, AND ALL OF THEM INVOLVE

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INFO OCT-01 ISO-00 SSO-00 /026 W
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FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 0700
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AMEMBASSY PARIS
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EXDIS

THE EXERCISE OF OFFICIAL ACTS (THOUGH GENERALLY NOT "OVER THE WESTERN SECTORS OF BERLIN"). BUT IF THE ALLIES SHOULD CONSIDER IT NECESSARY TO BRING A STOP TO SUCH OVERT MANIFESTATIONS OF THE TIES, ATTACHING CONDITIONS TO THE LORENZ TRIAL WOULD NOT BE THE VEHICLE FOR DOING SO.

8. MOST DISTURBING, PERHAPS, ARE THE IMPLICATIONS OF DE LABOULAYE'S STATEMENT THAT THE SOVIETS HAVE A "FAIR LEGAL CASE." IT IS OF COURSE A TRUE STATEMENT. THERE IS NO GAINSAING THE AMBIGUITIES IN THE QA WITH REGARD TO THE OPERATIONS OF THE FEDERAL COURTS IN BERLIN AND THE POWERS OF THE FEDERAL PROSECUTORS THERE. THE FRENCH ARE FOND OF RECALLING THAT THEY ONLY RELUCTANTLY AGREED TO SIGN THE CONFIDENTIAL ALLIED LETTER TO SCHEEL OF MAY 15, 1972, WHICH STATED THAT "NO ALTERATION IN THE ACTIVITIES OF THE FEDERAL COURTS IN BERLIN IS FORESEEN UNDER THE PROVISIONS OF THE QA." DE LABOULAYE'S POINT THAT THIS INTERPRETATION WAS NOT BINDING ON CONFIDENTIAL

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THE SOVIETS WAS ALSO MADE TO US A YEAR AGO, WHEN THE FRENCH MADE A DEMARCHE TO COUNSELOR SONNENFELDT URGING THAT WE JOIN IN A BAN ON HOLDING THE TRIAL IN BERLIN (76 STATE 171434).

9. BUT THERE ARE TWO DIFFICULTIES WITH CONTINUING TO REMIND US THAT THE SOVIETS MAY BE RIGHT IN THIS INSTANCE:

-- WE DID PROVIDE THE MAY 1972 LETTER TO THE FRG, HOWEVER RELUCTANTLY. IF WE ARE TO DECIDE NOW THAT IT WAS A MISTAKE, WE SHOULD DO SO ON THE BASIS OF A THOROUGH REVIEW AIMED AT DETERMINING WHETHER THE QA DID IN FACT REQUIRE CHANGES AND IN THE KNOWLEDGE THAT ANY SUCH CHANGES WOULD CREATE REAL DIFFICULTIES IN ALLIED/FRG RELATIONS. IT WOULD SEEM DANGEROUS TO TACKLE SUCH A PROBLEM PIECEMEAL. (THIS ASPECT OF THE PROBLEM WAS DISCUSSED IN MORE DETAIL IN BONN 9953 OF JUNE 11, 1976.)

-- WE ARE NOT CERTAIN WHAT IT IS THE SOVIETS WANT, OR WHAT DE LABOULAYE THINKS THEY WANT WHEN HE SAYS THEY HAVE A "FAIR LEGAL CASE." THERE HAVE BEEN FOUR SOVIET PROTESTS THUS FAR ON THE LORENZ CASE. FROM THEIR PROTESTS OF FEBRUARY 12, 1976 (76 USBER 262) AND AUGUST 6, 1976 (76 USBER 1631), IT APPEARS THAT THEY WERE OBJECTING NOT JUST TO THE PROSPECTIVE PARTICIPATION OF THE FEDERAL PROSECUTOR GENERAL (FPG) HIMSELF IN THE CASE BUT TO THAT OF "ANY OTHER REPRESENTATIVES OF THE FPG'S OFFICE." THE JANUARY 28, 1977, PROTEST (USBER 350) WAS AMBIGUOUS ON THAT SCORE, BUT THE DEMARCHE MADE TO ASSISTANT SECRETARY VEST BY VASEV ON JULY 31 (STATE 180322) CONCENTRATED ON THE "FEDERAL PROSECUTOR'S OFFICE" AND DID NOT EVEN MENTION THE FPG (BY THAT TIME THE SOVIETS PRESUMABLY KNEW THAT HIS PERSONAL PARTICIPATION CONFIDENTIAL

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HAD BEEN RULED OUT).

10. THUS, IN OUR VIEW -- WHICH IS BUTTRESSED SOMEWHAT BY THE NEUES DEUTSCHLAND COMPLAINT THAT THE TRIAL WOULD "ACTIVATE THE FEDERAL PROSECUTOR'S OFFICE IN BERLIN (WEST)" (USBER 1977) -- THE SOVIET POSITION IS THAT FEDERAL PROSECUTION OF THE TRIAL IN A BERLIN COURT IS ILLEGAL, WHETHER RUN FROM KARLSRUHE OR FROM THE BERLIN BRANCH OF THE FPG'S OFFICE. THE LOGICAL CONSEQUENCE OF CONCEDED THE SOUNDNESS OF THE SOVIET LEGAL POSITION, THEREFORE, WOULD BE TO KEEP THE FEDERAL PROSECUTOR'S OFFICE OUT OF THE CASE ALTOGETHER, OR ELSE TO KEEP THE TRIAL OUT OF BERLIN. THIS HAS OBVIOUSLY BEEN THE FRENCH PREFERENCE ALL ALONG, AND THERE HAS BEEN MUCH FOOT-DRAWING ASSOCIATED WITH THEIR ACQUIESCENCE IN THE DECISIONS MADE UP UNTIL NOW. WE AND THE BRITISH, ON THE OTHER HAND, HAVE MORE READILY ACCEPTED THE FRG POSITION THAT THE SERIOUSNESS OF THE OFFENSES REQUIRES THE FEDERAL RATHER THAN THE LAND AUTHORITIES TO PROSECUTE THE CASE AND THAT THE PROSECUTION, FOR A VARIETY OF REASONS NOT ASSOCIATED WITH FEDERAL CLAIMS ON BERLIN, SHOULD TAKE PLACE IN BERLIN.

11. WHAT WE ARE WONDERING NOW IS WHETHER THE FRENCH, WHOSE POSITION APPARENTLY HAS BEEN SET AT A HIGH LEVEL, ARE STILL TOYING WITH THE IDEA OF TRYING TO FORCE A CHANGE OF VENUE, OR WHETHER -- AS ALSO CAN BE READ INTO DE LABOULAYE'S AUGUST 13 REMARKS -- THEY ARE SIMPLY TRYING TO ESTABLISH THE MOST CREDIBLE BASIS FOR ARGUING TO THE SOVIETS THAT HOLDING THE TRIAL IN BERLIN IS LEGAL. IF IT IS THE LATTER, AND IF OUR ANALYSIS ABOVE OF THE

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INFO OCT-01 ISO-00 SSO-00 /026 W
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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 0701
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
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AMEMBASSY PARIS
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C O N F I D E N T I A L SECTION 04 OF 05 BONN 13388

EXDIS

SOVIET POSITION IS CORRECT, IT SEEMS TO US TO MAKE
LITTLE DIFFERENCE IN TERMS OF DEFENDING OUR POSITION
VIS-A-VIS THE SOVIETS WHETHER THE PROSECUTION IS
FORMALLY LED BY OBERLE OR BY THE ATTORNEYS FROM KARLSRUHE
WHO HAVE RECENTLY BEEN ASSIGNED TO HIS OFFICE. THE
SOVIETS ARE APPARENTLY GOING TO CONSIDER EITHER PRO-
CEDURE ILLEGAL AND PROTEST ACCORDINGLY. IT MUST REMAIN
THE ALLIED POSITION THAT, BECAUSE THEY ARE
ASSIGNED TO BERLIN, THEY ARE IN EFFECT BERLIN OFFICIALS,
SUBORDINATED TO ALLIED AUTHORITY, AND THAT THEIR CONDUCT
OF THE TRIAL IS PROPER. WE THINK THAT POSITION IS JUST
AS STRONG -- OR AS WEAK -- WITH ONE OF OBERLE'S NEW
ASSISTANTS LEADING THE PROSECUTION AS IF HE WERE TO DO
IT HIMSELF.

12. THE PRESENT STATE OF PLAY IS THAT WE ARE AWAITING
THE JUSTICE MINISTRY'S RESPONSE TO THE QUESTION OF
WHETHER OBERLE COULD BE FORMALLY PLACED IN CHARGE OF THE
PROSECUTION. IF THE ANSWER IS NEGATIVE -- AS IT MAY
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WELL BE -- THE FRENCH PRESUMABLY WILL CONTINUE TO
INSIST THAT THE TRIAL MAY NOT GO FORWARD BECAUSE THE
TERMS OF THE NON-PAPER HAVE NOT BEEN MET. BUT EVEN IF
THE ANSWER IS AFFIRMATIVE, THE IMPORT OF DE LABOULAYE'S
REMARKS IS THAT THE FRENCH STILL WOULD NOT BE FULLY
SATISFIED. UNTIL THEY ARE, THEY PRESUMABLY WILL NOT LIFT
THE HOLD THEY HAVE PLACED ON DISCUSSION OF A REPLY TO
THE LATEST SOVIET PROTEST AND THE LETTERS FROM DEFENSE
ATTORNEYS TO ALLIED COMMANDANTS. (THE DEPARTMENT WILL
RECALL THAT IT WAS LARGELY DUE TO FRENCH OBJECTIONS THAT
AGREEMENT WAS NEVER REACHED ON FORMAL REPLIES TO THE
EARLIER SOVIET PROTESTS; THE FRENCH POSITION SEEMED TO BE
THAT, IF WE WERE TO GIVE THE SOVIETS A CLEAR-CUT ANSWER,
THE GERMANS WOULD USE IT AGAINST THE ALLIES TO JUSTIFY
HANDLING THE CASE AS THEY WISHED.)

13. WHILE WE ARE NOT CERTAIN WHAT POINTS DE LABOULAYE

HAS MADE IN HIS DISCUSSIONS WITH THE GERMAN AMBASSADOR, WE ASSUME THAT THE FRENCH AND THE GERMANS ARE TRYING TO WORK OUT THEIR DISAGREEMENT BILATERALLY. ON SOME ANALOGOUS OCCASIONS IN THE PAST, AGREEMENT HAS BEEN REACHED ONLY AT THE SCHMIDT-GISCARD LEVEL. THIS IS NOT THE FIRST FRANCO-GERMAN IMPASSE ON BERLIN MATTERS, AND IT PROBABLY WOULD NOT BE IN OUR INTEREST TO TRY TO STEP BETWEEN THE TWO IN AN ATTEMPT TO RESOLVE IT.

14. CERTAIN US INTERESTS ARE AT STAKE, HOWEVER: SEEING THAT TERRORISM IN BERLIN IS BROUGHT UNDER CONTROL; CONTINUING A SMOOTH WORKING RELATIONSHIP AMONG THE ALLIES AND WITH THE GERMANS ON THE WHOLE RANGE OF BERLIN ISSUES; AND MINIMIZING OUR DIFFICULTIES WITH THE SOVIETS. IN THE INSTANT CASE, THE LAST OF THESE SUGGESTS THE NEED FOR ANSWERING THE SOVIET
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PROTEST ON THE LORENZ CASE AS QUICKLY AND AS FIRMLY AS POSSIBLE, IN ORDER TO DISABUSE THEM OF ANY NOTION THAT THEY HAVE DISCOVERED AN EXPLOITABLE WEAKNESS IN THE WESTERN POSITION.

15. THE DEPARTMENT HAS RECOGNIZED (REF A) THAT IT MAY BE NECESSARY AT SOME POINT TO LET THE FRENCH KNOW THAT WE WILL NOT SUPPORT THEIR MORE EXTREME DEMANDS ON HOW THE CASE IS TO BE HANDLED. THERE MAY BE OTHER POINTS WHICH COULD USEFULLY BE MADE TO THE FRENCH IF THEY CONTINUE TO APPROACH US BILATERALLY IN AN EFFORT

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TO SECSTATE WASHDC IMMEDIATE 0702

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USMISSION NATO

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TO LINE UP OUR SUPPORT FOR THEIR POSITION. FIRST OF ALL, US OFFICIALS MIGHT PROBE FOR MORE SPECIFIC INFORMATION AS TO WHAT THAT POSITION IS AND HOW FAR THE FRENCH INTEND TO GO. SECONDLY, WE MIGHT URGE THAT THE FRENCH ALLOW DISCUSSION OF THE LORENZ CASE TO PROCEED IN THE BONN GROUP ON ITS MERITS, LEAVING ANY BROADER ISSUES -- SUCH AS OBTAINING ASSURANCES FROM THE GERMANS ON OTHER ASPECTS OF THEIR CONDUCT IN BERLIN OR RETHINKING THE ENTIRE FEDERAL LEGAL STRUCTURE IN BERLIN -- FOR SEPARATE REVIEW.

16. WE HAVE JUST READ PARIS 23668, WHICH DOES NOT LESSEN ANY OF OUR CONCERNS. INDEED IT MAKES US WONDER ALL THE MORE WHETHER THERE ARE REASONS WHICH THE FRENCH HAVE NOT SHARED WITH US FOR THEIR NERVOUSNESS OVER PENDING DIFFICULTIES WITH THE SOVIETS IN BERLIN. THERE IS NO PROSPECT FOR "SETTLING" THE LORENZ CASE BEFORE SEPTEMBER 9, AND SOUTOU GROSSLY UNDER-STATES THE CASE TO SUGGEST THAT IT WOULD BE "DIFFICULT"
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FOR THE FRG TO BACK DOWN AT THIS POINT ON THE MEETING OF THE EC MONETARY COMMITTEE SCHEDULED FOR THAT DATE.
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Message Attributes

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Copy: SINGLE
Sent Date: 16-Aug-1977 12:00:00 am
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Decaption Note: 25 YEAR REVIEW
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Subject: LORENZ CASE: WHAT ARE THE FRENCH REALLY ASKING?
TAGS: PGOV, GE, FR, US, UR, BQG, (LORENZ, PETER)
To: STATE
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